

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:13-CR-419-JAD-(PAL)
)
GERALD KOKOSZKA,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on April 9, 2015, defendant GERALD KOKOSZKA pled guilty to a One-Count Superseding Criminal Information charging him with Structuring Financial Transactions in violation of Title 31, United States Code, Section 5313(a) and 5324(a)(3). Superseding Criminal Information, ECF No. 46; Change of Plea Minutes, ECF No. 50; Plea Agreement, ECF No. 48.

This Court finds defendant GERALD KOKOSZKA agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Superseding Criminal Information, ECF No. 46; Change of Plea Minutes, ECF No. 50; Plea Agreement, ECF No. 48.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which defendant GERALD KOKOSZKA pled guilty.

...

1 The following asset is all property, real or personal, involved in violations of Title 31, United
2 States Code, Sections 5313(a) and 5324(a)(3), and any property traceable thereto and is subject to
3 forfeiture pursuant to Title 31, United States Code, Section 5317(c)(1):

4 \$323,118.45 in United States Currency
5 (all of which constitutes “property”).

6 This Court finds the United States of America is now entitled to, and should, reduce the
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
11 GERALD KOKOSZKA in the aforementioned property is forfeited and is vested in the United States
12 of America and shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
14 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
15 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
16 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
17 name and contact information for the government attorney to be served with the petition, pursuant to
18 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
20 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
21 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the
22 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
23 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s
24 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s
25 petition and the relief sought.

26 . . .

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
2 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
3 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
4 after the first day of the publication on the official internet government forfeiture site,
5 www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
8 following address at the time of filing:

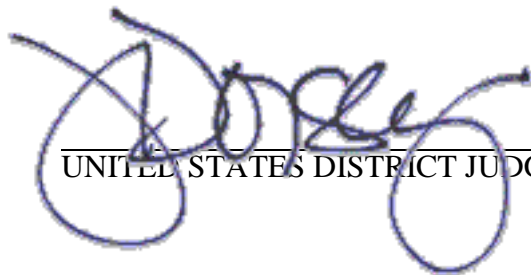
9 Daniel D. Hollingsworth
10 Assistant United States Attorney
11 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
13 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
14 following publication of notice of seizure and intent to administratively forfeit the above-described
15 property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED after the property is forfeited in
17 the criminal case and the Final Order of Forfeiture is entered, within a practicable time thereafter
18 for the United States, the United States will return \$125,118.45 in United States Currency to GERALD
19 KOKOSZKA pursuant to the Plea Agreement (ECF No. 48).

20 DATED this 17th day of April, 2015.

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UNITED STATES DISTRICT JUDGE